

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L.DATTU

WRIT PETITION 3058/1998

BETWEEN :

Sri S. Govinda Setty
rep. by GPA Holder Sri
S. Krishnaiah Setty,
s/o. late Subbaiah Setty,
major, r/a. Thali Road,
Anekal town,
Bangalore Urban dist.

... PETITIONER

(By Sri R. Chellappa, Adv.)

AND :

1. State of Karnataka
by its Secretary
Revenue Dept.,
Vidhana Soudha,
Bangalore - 1.

2. The Dist Registrar
Bangalore Urban Dist.,
Krishi Bhavan,
Bangalore.

3. The Sub-Registrar
Anekal taluk,
Anekal.

4. Smt. Savithramma
d/o. Hanumanthappa,
Thali Road, Anekal town,
Bangalore urban dist.

... RESPONDENTS

This writ petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash annexure A dated 27.08.1976 and etc.

This writ petition coming on for preliminary hearing this day, the Court made the following;

...2.

ORDER

Petitioner is before this court inter alia questioning the orders made by the District Registrar, Bangalore, Urban District in Appeal No.19 of 1973-74 dated 27.8.1976. By the said order, the District Registrar had directed the Sub-Registrar Anekal, to register a particular document.

2. Petitioner in this petition asserts that the District Registrar had no jurisdiction whatsoever to direct the Sub-Registrar to register the document in the presence of voluminous evidence to suggest that 4th respondent herein had not even paid the consideration amount.

3. Petitioner in the petition has stated the reasons for approaching this court nearly after two decades as - "petitioner submits that unless the 2nd respondent's order directing compulsory registration of a document which ought not to be registered under the law his rights over the property acquired under the partition deed will be lost and grave injustice will be done. Since proceedings have been pending all along, petitioner is not barred by time from invoking the jurisdiction of this Hon'ble court under the Constitution of India to protect his right."

4. Apart from saying this, petitioner has not explained the delay of two decades in

approaching this court questioning the orders made by the District Registrar. However, learned counsel for the petitioner vehemently contends before this court that in view of the decisions of the Supreme Court as well as Punjab & Haryana High Court, delay in approaching the court need not be taken into consideration when the authorities has exceeded its jurisdiction while passing the final orders.

5. In my view, the delay in approaching this court is fatal to the proceedings. Petitioner all along knew that there is an order made by the District Registrar inter alia directing the Sub-Registrar to register the document in favour of 4th respondent. Petitioner was agitating the proceedings before the civil forum. Now, the civil Court has passed the final orders. It is at this stage, petitioner after exhausting all other remedies available to him has approached this court.

6. In my view, a person who has slept over his rights for such a long time cannot take assistance of this court to get an order annulled made some time in the year 1976. This court would not come to ^{his}_A rescue an indolent person. In that view of the matter, petition so filed by the petitioner liable to be rejected on the ground of delay and laches on the part of the petitioner in

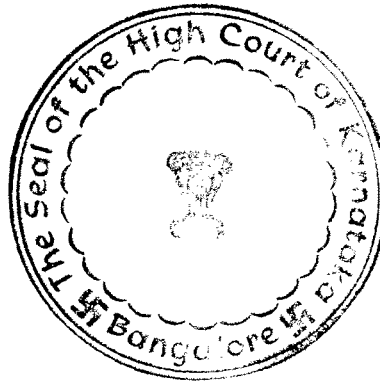
11

=4 =

approaching this court in questioning the orders made by the District Registrar dated 27.8.1976.

8. For the reasons, I decline to entertain this writ petition. Accordingly, it is rejected without reference to the respondents. Ordered accordingly.

Sd/-
JUDGE



CSG